

1 LAURI S. THOMPSON, Esq.
2 Nevada Bar No. 6846
thompsonl@gtlaw.com
3 LARAIN BURRELL, Esq.
Nevada Bar No. 8771
burrell@gtlaw.com
4 SHAUNA WELSH, Esq.
Nevada Bar No. 11320
welshs@gtlaw.com
5 GREENBERG TRAURIG, LLP
6 3773 Howard Hughes Parkway
Suite 400 North
7 Las Vegas, Nevada 89169
Telephone: (702) 792-3773
8 Facsimile: (702) 792-9002
Counsel for Plaintiff, GNLV, Corp.
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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 GNLV, Corp., a Nevada
corporation,

Case No.: 2:11-cv-00875-GMN-PAL

13 Plaintiff,

14 **ORDER GRANTING**
PRELIMINARY INJUNCTION

15 v.

16 Harald Ebert, an individual,

17 Defendant.

18
19 This matter having come before the Honorable Gloria Navarro on June 14, 2011,
20 Shauna Welsh, of the law firm of Greenberg Traurig, LLP, appearing on behalf of Plaintiff
21 GNLV, Corp. ("GNLV" or "Plaintiff") and no appearance being made on behalf of Defendant
22 Harald Ebert ("Ebert" or "Defendant"), and good cause appearing therefore, this Court
23 hereby finds and orders as follows:

24 1. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28
U.S.C. §§ 1331 and 1338;

25 2. The Court has personal jurisdiction over the Defendant in that the Defendant
regularly conducts business in the State of Nevada, and Defendant committed tortious acts
26 that he knew or should have known would cause injury to Plaintiff in the State of Nevada;

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1 3. Defendant was served on June 6, 2011 by electronic mail in accordance with
2 Rules 4 and 5 of the Federal Rules of Civil Procedure and pursuant to the Order of this
3 Court with the Complaint in this action, Summons, Plaintiff's Application for Temporary
4 Restraining Order and Motion for Preliminary Injunction and Temporary Restraining Order
5 entered by this Court on June 1, 2011;

6 4. Plaintiff filed with the Court on June 10, 2011 a Request for Service on
7 Defendant in a Foreign Country by Registered Mail ("Request"). The Court delivered the
8 Request to the United States Postal Service on June 13, 2011.

9 5. Plaintiff, in compliance with the Order of this Court, filed a bond in the amount
10 of One Hundred and No/100 Dollars (\$100.00) on June 7, 2011.

11 6. On June 13, 2011, Defendant contacted Plaintiff regarding the subject domain
12 name via return email thereby acknowledging Plaintiff's service by electronic mail of the
13 Summons, Complaint, Application for Temporary Restraining Order and Motion for
14 Preliminary Injunction and Temporary Restraining Order.

15 7. Defendant has yet not made an appearance in this action.

16 8. Plaintiff GNLV, Corp., a Nevada corporation with its principal place of business
17 in Las Vegas, Nevada operates the Golden Nugget resort hotel casino in Las Vegas,
18 Nevada. GNLV owns the mark GOLDEN NUGGET (the "GNLV Marks") and has obtained
19 federal registrations for the GNLV Marks for various goods and services, including but not
20 limited to:

21 (a) GOLDEN NUGGET for casino and bar services (U.S. Reg. No.
22 1,554,155);

23 (b) GOLDEN NUGGET for nightclub, bar, cabaret and casino services
24 (U.S. Reg. No. 1,082,044); and

25 (c) GOLDEN NUGGET for casino services (U.S. Reg. No. 1,203,988).

26 9. Defendant Harald Ebert has used Plaintiff's marks as part of his *Internet*
27 domain name <www.goldennugget.info> (the "Infringing Domain Name") without Plaintiff's
28 authority or permission;

1 10. Plaintiff GNLV will suffer irreparable injury if the Court does not require the
2 domain name registrar Wild West Domains ("Registrar") to lock the Infringing Domain
3 Name for the duration of the litigation in this matter.

4 11. Plaintiff has demonstrated likelihood of success on the merits of its mark
5 infringement claims against Defendant under the Lanham Act, 15 U.S.C. § 1114, and
6 Nevada law; and

7 12. Plaintiff has demonstrated likelihood of success on the merits of its unfair
8 competition claims against Defendant under the Lanham act, 15 U.S.C. § 1125(a).

9 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that GNLV's Motion
10 for Preliminary Injunction is hereby GRANTED.

11 IT IS FURTHER ORDERED that, pursuant to 15 U.S.C. § 1125(d)(1), the domain
12 name <www.goldennugget.info> shall remain locked by Wild West Domains and/or its
13 successor registrars and shall be deposited with the Court for the duration of the
14 litigation in this matter;

15
16 IT IS FURTHER ORDERED that the Registrar and/or its successor registrars
17 remove all existing Domain Name Server (DNS) entries and corresponding addresses, and
18 enter the Registrar's default Domain Name Server and address entries to prevent further
19 damage caused by the infringing use of the Infringing Domain Name.

20 IT IS FURTHER ORDERED that Defendant will immediately cease and desist any
21 and all use of Plaintiff's name and trademarks and any and all variants thereof, including
22 use of the Infringing Domain Names and any and all variants thereof;

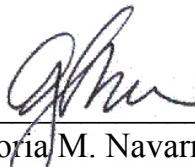
23 IT IS FURTHER ORDERED that Defendant shall file, pursuant to 15 U.S.C. §
24 1116(a), with this Court and serve upon Plaintiff within thirty (30) days after entry of this
25 Order, a report in writing under oath setting in detail the manner and form in which
26 Defendant has complied with this Court's Order; and

27 ///

28 ///

1 IT IS FURTHER ORDERED that the bond posted with this Court in the amount of
2 One Hundred and no/100 Dollars (\$100.00) shall be applied to this preliminary injunction.

3 **DATED** this 23rd day of June, 2011.

4 
5 Gloria M. Navarro
6 United States District Judge

7 Respectfully submitted by:
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9 GREENBERG TRAURIG, LLP
10 

11 Lauri S. Thompson (Bar No. 6846)
12 Laraine M.I. Burrell (Bar No. 8771)
13 Shauna L. Welsh (Bar No. 11320)
14 3773 Howard Hughes Parkway, Suite 4North
15 Las Vegas, Nevada 89169
16 Counsel for Plaintiff

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